IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 25TH JUNE 2007 / 4TH ASHADHA 1929

Bail Appl..No. 3851 of 2007()

CR NO.12/07 OF MALLAPPALLY EXCISE RANGE
AGAINST THE JUDGEMENT/ORDER IN BA.2816/2007

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PETITIONER/ACCUSED NO.1:

K.K. SAMEERAN, S/O.K.M. KUTTAPPAN,
ANJUSADANAM VEEDU, ANJILITHANAM MURI,
KUNNAMTHANAM VILLAGE, MALLAPPALLY TALUK.

BY ADV. SRI.UNNI. K.K. (EZHUMATTOOR)

RESPONDENTS:
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1. THE EXCISE INSPECTOR,
MALLAPPALLY EXCISE RANGE.

2. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA.

BY PUBLIC PROSECUTOR SRI. JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 25/06/2007 THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

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B.A.No. 3851 of 2007

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Dated this the 25th day of June, 2007

O R D E R

Application for regular bail. The petitioner faces allegations under Section 55(a) of the Kerala Abkari Act. He was allegedly found to be in possession of 420 litres of spirit. The allegation is that the petitioner was engaging himself in the activity of filling spirit in sealed packets. He was arrested on 23.4.2007. He continues in custody from that date.

2. It is unnecessary to advert to the various other facts, as it is conceded that charge sheet has not so far been filed and a period of 60 days have been elapsed from the date of first remand. In these circumstances the petitioner is entitled for bail for default under Section 167 Cr.P.C. I am satisfied that the petitioner can be granted bail subject to appropriate terms and conditions.

3. In the result:

1) This application is allowed.

2) The petitioners shall be released on bail on the following terms and conditions.

(a) The petitioner shall execute a bond for Rs.1,00,000/- (Rupees one lakh only) with two solvent sureties each for the like sum to be satisfaction of the learned Magistrate.

(b) The petitioner shall make himself available for interrogation before the Investigating Officer between 10 a.m. and 12 noon on all Mondays and Fridays until further orders.

(R. BASANT)
Judge

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